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Examiner Eric D. Culbreth

REMARKS

Further and favorable consideration of the patentability of pending claims 1-30 of this application, as amended, is respectfully requested.

The drawings were objected to under 37 C.F.R. 1.83(a) for alleged failure to illustrate the sleeve 130 "entirely within" the outer jack 110, as defined by claim 27. The amendment to claim 27 comports with the drawings. Withdrawal of this objection is therefore respectfully requested.

The objections to claims 9, 21 and 26 are also addressed by the respective amendments to those claims.

The rejection of claims 11-20 under 35 U.S.C. 112, second paragraph, is overcome by the amendment to claim 11, defining the second end of the inner jacket to be located inside the outer jacket and extending through the distal end of the outer jacket. Withdrawal of this rejection is therefore respectfully requested.

Claims 1-3, 5-13, 15-24, 26 and 28-30 are rejected under 35 U.S.C. 102(b) as anticipated by Milton, U.S. 3,703,105 ("Milton"). For the record it is noted that this rejection is identical to that contained in the Office Action prepared by the previous examiner and mailed August 10, 2006, which was overcome by the arguments presented in Applicant's Appeal Brief filed November 21, 2006. As explained therein, Milton discloses a fixed collapsible shift tube assembly 12, Figs. 1 and 2, designed to rotate with the shift lever on a steering column. Milton does not disclose a telescoping steering column, as that term is properly interpreted in the pending claims. Shift tubes were used in vehicles with manual shift operation on the steering column (rather than on the floor) around the time the application for the Milton patent was filed. The steering column disclosed by Milton does not telescope, and thus does not anticipate a principal limitation of the claims. See Milton, column 6, lines 38-41: "Further, the projections 86 and 88 and the flanges 94 and 96 by their engagement with upper and lower ends 63a and 57a, respectively, serve to normally prevent axially inward collapse of the shift tube assembly 10."

The locking sleeve 54 has projections 88 which are received within slots 74 of the lower member 52, and projections 86 received within slots 56 of the upper member 50, to "provide a firm and rigid engagement between the sleeve 54 and the upper and lower members 50 and 52. See, Milton, col. 6, lines 31-33. The locking sleeve 54 is deformable in one of three ways upon

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relative axial movement between the upper and lower members 50 and 52 as shown in Figs. 3-6. The knife edge 76 of the slots 74 of the lower member 52 can shear and/or deform the projections 88 of the locking sleeve 54. Alternatively, the knife edges 58 at the upper side of the slots 56 can shear the tabs 86 and the lower end 57a can shear the flange 96 of the sleeve 54. Or both of these actions can occur simultaneously. The projections 86 and 88 do not contact the respective outer surface of upper member (inner jacket) 50 or the inner surface of lower member (outer jacket) 52. Therefore, it is technically incorrect to equate the radially alignment of rib 92 and projection 86 in Milton with the radially aligned internal rib 132 and biasing rib 137 in the invention.

The entire purpose of the Milton shift column is to maintain static engagement until a collapsing force is applied. Once the locking sleeve 54 is locked, there can be no relative movement between it and the upper member 50.

"When the tabs 86 are aligned with the slots 56, the locking sleeve 54 contracts to its former size due to its resilient properties and the projections 86 are received within the slots 56 to attach the sleeve 54 upon the upper member 50." Milton, col. 6, lines 3-7.

"The engagement between the upper and lower members resulting from the reception of the tabs 86 within the slots 56 and the impressions 88 within the slots 74 is primarily intended to prevent relative angular movement between the upper and lower members 50 and 52 and provides only an incidental or additional restrain to the axially inward collapse of the shift tube assembly 10." Col. 7, lines 2 1-28.

The tabs 86, located within slots 56, are not in contact with the outer surface of a sleeve (upper member 50), and do not equate to the structure of an "internal rib" as defined by claims 1, 11, 21 and 30. In the operative position, with the tabs 86 received within the slots 56, there is no: "inner surface of the sleeve which contacts the outer surface of the inner jacket located on at least one internal rib which protrudes from the wall of the sleeve and is aligned with the longitudinal axis of the sleeve and which is located entirely outside of the outer surface of the inner jacket", as defined by claim 1.

The rejection of dependent claims 4, 14 and 25 under 35 U.S.C. 103(a) is also overcome by the amendments to the claims. Because the structure defined by the independent claims as

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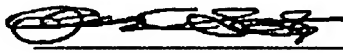
amended is not disclosed or suggested by Milton or Milton in combination with Barton, the subject matter defined by these claims is not obvious under 35 U.S.C. 103(a).

The rejection of claim 27 is moot given the cancellation of claim 27.

Allowance of the claims as amended is respectfully requested. If there are any further fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0959, referencing our Docket No. 109770.0018.

Respectfully submitted,
ROETZEL & ANDRESS

MARCH 3, 2008
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